



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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March 25, 2014

Derek Stebner  
Sage-Wood Holdings  
C/O Chet Lackey  
900 Dupont Street  
Bellingham, Washington 98225

RE: U.S. Army Corps of Engineers (Corps) Reference #201300112 – Denial of Section 401  
Water Quality Certification for the Bellingham Airport Business Park, Whatcom County,  
Washington.

Dear Mr. Stebner:

The U.S. Army Corps of Engineers (Corps) and the Department of Ecology (Ecology) issued a Joint Public Notice for the above referenced project on April 1, 2013. Ecology has one year after the issuance of the Public Notice to make a 401 Water Quality Certification (WQC) decision. On February 28, 2014, Ecology sent you a letter explaining that there are still a few items that we need before we can make our 401 decision. The needed items we identified are:

- State Environmental Policy Act (SEPA) determination;
- Updated wetland delineation report;
- Wetland impact analysis and avoidance measures; and
- Specifics regarding use of the Lummi Nation Wetland and Habitat Bank.

As of today, we have not received any information we identified, therefore, pursuant to Section 401 of the Clean Water Act, ch. 90.48 RCW and ch. 173-201A WAC, the Bellingham Airport Business Park Project Water Quality Certification is denied without prejudice.

Receipt of a denial without prejudice does not preclude Sage-Wood Holdings from resubmitting a request for 401 Certification at a later date.



## YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## CONTACT INFORMATION

Please direct all questions about this Order to:

Susan Meyer  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
(425) 649-7168  
[Susan.meyer@ecy.wa.gov](mailto:Susan.meyer@ecy.wa.gov)

## MORE INFORMATION

**Pollution Control Hearings Board Website**

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

**Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

**Chapter 371-08 WAC – Practice And Procedure**

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

**Chapter 90.48 RCW – Water Pollution Control**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

**Chapter 173-204 WAC – Sediment Management Standards**

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

**Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

## SIGNATURE



Erik Stockdale, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

3-25-2014

March 25, 2014

ES:sm:mrw

By certified mail: 7011 0470 0003 3720 8759

e-cc: Derek Stebner email, [derekstebner@hotmail.com](mailto:derekstebner@hotmail.com)  
Ed Miller, Miller Environmental Services, LLC  
Randel Perry, U.S. Army Corps of Engineers  
Erin Page, Whatcom County  
Rebekah Padgett, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)